



City of Carmel

CARMEL PLAN COMMISSION SPECIAL STUDIES COMMITTEE NOVEMBER 4, 2004

The regularly scheduled meeting of the Special Studies Committee met at 7:00 PM on November 4, 2004 in the Caucus Rooms of City Hall.

Members in attendance: Jerry Chomanczuk; Wayne Haney; and Steve Stromquist, thereby establishing a quorum.

Jon Dobosiewicz attended the meeting on behalf of the Department of Community Services; John Molitor, legal counsel, was also in attendance.

The Special Studies Committee considered the following items:

1. Docket No. 04060033 DP/ADLS: 116th/Keystone Retail Shops

The applicant seeks approval for a retail/office building. The site is located at the northeast corner of 116th St. and Keystone Ave. The site is zoned B-3 within the US 431 Overlay Zone.

Filed by Steve Hardin of Bingham McHale for Eclipse Real Estate.

Steve Hardin, attorney, Bingham, McHale, 970 Logan Street, Noblesville, appeared before the Committee representing Eclipse Realty. Brian Chandler and Drew Warner, Eclipse Realty were in attendance as well as Dan Scnherr, team engineer with Schneider Engineering.

Mr. Hardin stated that he had had further discussions with the neighboring Maples HOA, the City Engineer, and the Planning Department. The size of the building has been reduced by slightly over 1,000 square feet—originally at 8,400 square feet, now at 7,350 square feet—that took approximately 10 feet off the east side of the building. One of the drive through lanes has been omitted. The petitioner has agreed with The Maples' HOA attorney to double-panel the fence in order to enhance the sound barrier between the homes and the development. The petitioner has also agreed to allow The Maples of Carmel HOA to be one of the entities on the written commitments for enforceability.

In addition, for those homeowners residing along the perimeter, the petitioner has offered to plant (at his cost) and donate to the Maples HOA, evergreen trees spaced one every 20 feet along the perimeter line where there is currently an old, existing fence. The petitioner is willing to remove the old fence at its own cost. At the election of the Maples HOA, the petitioner is willing to plant evergreens, ideally, between the brick columns to provide not only additional

aesthetics but also help be a part of the fence for the benefit of the neighbors. The species of evergreens will be discussed and agreed upon with the City Urban Forester. These trees will be on The Maples property. The petitioner has also done additional landscape updates.

The last item is site access. Mr. Hardin stated that the development team had met with the Department of Community Services and the City Engineer in order to address traffic flow. The site plan shows exhibits formerly proposed and those currently proposed with the changes to the building. The access and traffic flow as now proposed is believed to address the City Engineer's comments. The actual, exterior traffic movements have not changed from the prior meeting

Department Comments, Jon Dobosiewicz. The Department has received the revised landscape plan. There were only two comments: the variety of evergreen and how it is dimensioned—caliper or height. Typically, evergreens are dimensioned as calipers as opposed to height, and usually seen at 6 to 8 feet in height at planting. In addition, there are Ash species identified on the plan, and those are not being allowed at this time.

The Department met with the petitioner regarding modifying the site plan such as widening the green space along both the east and north, removing one drive-through and reducing the building size in an effort to pull it farther away from the residential area and provide more area. Widening the existing lawn areas allowed for the preservation of two additional, existing trees on site. The larger trees are mainly to the north of the site. The Exhibit submitted this evening shows along the east side, the proposed setback for drive area—the existing area is identified as approximately nine (9) feet—proposed at its least dimension to the area to the east is 13 feet; it varies up to 22 feet. The modification from the north side in greenbelt area went from approximately five to 15 feet. The added 10 feet allowed preservation of two additional mature trees. There was also modification of the dumpster enclosure—although still in the same location, it is in a less objectionable position on the lot.

There are apparently additional commitments that have been offered. If this item is forwarded back to the full Commission this evening, the Committee should ask the petitioner to provide those commitments in writing for Department review before final action.

*Note: The public hearing remains open on this Docket.

Jerry Chomanczuk, Committee Chairperson, commended the petitioner in being pro-active and eliminating the drive through; reducing the footprint of the building by more than 10%, working with the neighbors regarding the double-panel fence; establishing written commitments; and additional landscaping in the form of evergreen trees. The one critical item still outstanding and topic for discussion is the access to the site—a critical issue. This particular site is already a problem, and we certainly do not want to make it worse.

Steve Stromquist agreed with comments made by Jerry Chomanczuk. The biggest problem with this site is exiting the facility. The work done between now and the first time the petitioner appeared is certainly commendable.

Dan Schnerr, Avon, Indiana, Engineer with Schneider Engineering offered traffic comments on this site. The configuration is two through lanes, a dedicated right turn lane, and a dedicated left turn lane at the intersection. Currently, there are two east-bound lanes on 116th Street. There have been discussions with the City Engineer as far as how to stripe this out, since one east bound lane currently turns into a “turn only” lane into the apartment complex on the south side of the street. (Woodland Springs Manor) We are really talking about shifting the existing configuration to the south somewhat so that the second west-bound lane and the two through lanes east bound can be maintained as well.

Jerry Chomanczuk noted that there are usually always 5 or 6 cars stacked in the turn lane to head south on Keystone. Whether it is a potential customer trying to enter the site or one trying to exit and head east, it is still unclear how to circumvent the problem.

Dan Schnerr was uncertain whether or not anything could be done to circumvent this problem in the peak AM and PM travel times. The petitioner is trying to improve the situation for the other 85% of the time that the roadway will be functioning.

Mike McBride, City Engineer was in attendance and had the following comments regarding this site. To date, there has not been a great deal of time to review the most recent numbers. Based on limited review thus far, there are additional questions to be “hammered out” probably outside this meeting. The biggest concern has already been alluded to—the left turn movements into this development from east bound travel lanes on 116th Street that would cause stacking back into the intersection at Keystone and 116th. This is the primary traffic movement of concern, and there are concerns with other left turn movements as well.

Mike McBride also commended the developer for making efforts to satisfy the requirements set forth so far. At this time, Mike McBride could not say that access could be provided to this site, with the safety desired, without eliminating the left turn altogether and installing a raised median of some type. We might get to that point, but there are issues that need to be worked out with traffic generation numbers.

Mike McBride further commented that the petitioner has taken on the responsibility of adding the additional through lane, and that does make the situation better than it is currently. If the gas station were still functioning at this corner, it would be a worse situation than the one created by the petitioner’s development plus the two through lanes. Two through lanes will make much more efficient use of the green time on the Keystone signal and more traffic can clear in the peak hours. Additionally, in the lower volume period, with two through lanes, more stacking is provided so that cars are out of the way and not blocking the entrance. There is not a whole lot that can be done about the peak hour volumes; there will be issues at this site regardless, as long as access is allowed to this site at all. The Engineering Department will continue to work with the petitioner.

In response to questions from Jerry Chomanczuk, Mike McBride said the roadway is being widened to allow two west-bound lanes for the short distance in front of the site. The existing bicycle lane is the safest place for the bike lane, although it looks as if it is hanging out in the middle of traffic. However, if the bike lane were against the curb, it would create conflict with

traffic turning right. The bicycles can make either movement, right turn or through, with less conflict.

Wayne Haney commented that a raised median between east-bound and west-bound traffic would be the best solution. Otherwise, there is potential for fatality if someone exits the site heading east and tries to cross all lanes of traffic, especially with polite motorists stopped to allow the turn, and other motorists might not stop. Also, someone east-bound, entering the site, will cross four lanes and a bike lane to enter, and then try to come out and turn east—it is an extreme hazard.

Jerry Chomanczuk concluded that the City Engineer has not had enough information or time to make a final determination or recommendation on the safety of the proposed plan. In thinking of alternatives, would a median in the roadway such as referred to by Wayne Haney solve the problem? Obviously, a median would limit the business flow to a right in/right out traffic flow.

Dan Schnerr responded that right in/right out limits access to the site. Typically, when you see right in/right out configurations, the lot is part of a much larger development with other access points at which traffic could get to through the site or an adjoining site to get to a full access driveway where left turns can be made. Unfortunately, this site does not have that capability because of the surrounding development.

Steve Hardin reported that comment letters received from the City Engineer's office suggested laying out some of the ideas shown currently. This could be a good solution, given the site, to try and maintain the economic viability as well as provide help for through traffic. The median may be the best alternative and the petitioner suggested moving forward at this time. The City Engineer can monitor the situation and further decisions can be made—we can always do something in the future if required, but that is not the preference.

Jerry Chomanczuk said the only thing is—you are allowing the situation to proceed on the hope that it may not be problematic. On the flip side, it can be very dangerous. Jerry Chomanczuk deferred to John Molitor, legal counsel—should any decision be postponed?

Jon Dobosiewicz had the following comments: The determination needs to be made—is the proposed roadway better than what exists there today? The only question is—Is it *This* proposal, or is it this proposal *WITH* the raised median that prevents cross traffic and left turns out of the site. Another question is—Is traffic good enough with this configuration with the raised median? There are benefits associated with this, there are also costs associated with this. If you install the median, the traffic will turn at the next possible left, into the neighborhood, and the traffic will either drive into the development and around, or they will use the entrance as a turn-around and head west into the site. From a traffic standpoint, everyone needs to realize that regardless of what business goes here, if they are asking for a median—everyone coming off Keystone will come into the neighborhood to turn around. There is really no way to prevent that other than extending the median past the neighborhood—then the neighborhood cannot turn left.

Mike McBride expanded on Jon's comments and totally agreed. People that want to get to this location that are east-bound will pull a "U" turn at the first possible location. Along with the

traffic in the peak hours, the raised median would act as a deterrent. This is what we see in every case this is done—in peak hour volumes, it works because all of the traffic plus the median—the people cannot turn. In lower volume traffic, people will find the “U” turn.

Public Comments:

Linda Meade, president of The Maples HOA, said the petitioner’s efforts have been appreciated in moving the building and agreeing to plant the trees. However, the trees are dwarf trees, and they should be higher and taller. If the lane is added, will the street be widened in front of the Maples as well?

Mr. Hardin responded there is a very short section that is still within the right-of-way, approximately 30 to 35 feet beyond the site. The sidewalk will remain in its current relationship to the curb.

Jon Dobosiewicz clarified that the existing curb could become as much as one foot closer to the wall at The Maples at the far west end and then tapering down to nothing in about 35 feet.

Linda Meade said that another concern is that persons exiting the site, even if they are turning right, must cross four lanes to get into the lane to turn left onto Keystone. The gas station had two drives, the proposal has one drive and this is a “double” problem because you are fighting the people coming into the site. The other issue is that at 6 in the morning, the highest peak time of the week is between 6 and 8 in the morning, and this is when Starbucks opens. The Maples residents wanted a 7:00 AM opening, and Starbucks has agreed to 6:00 AM, although that is later than most Starbucks open (5:30 AM) until 11:00 at night. Charter One Bank is also open until 11:00 at night—they are not a 9 to 5 bank. The mention of the double flat fence is still an issue. One of the residents that backs up to this fence has a breathing issue. Another person on the north end has a huge problem. The residents still want the brick wall—at least something that will stop the fumes—this is a big concern. The people with breathing problems will not be utilizing their screen porches or going outdoors at all.

Lastly, a lot of the dirt was removed from the hazard waste and piled it in the back yard—so, the back yard is now higher than it was. Will this be leveled out? Is the elevation being raised at the corner? If so, the fence or wall will probably need to be higher.

Brian Chandler, Eclipse Realty stated that they do not yet own the site and Marathon is doing all of the site work.

Donna Cronin, 116th Street, stated concern with children getting off the schoolbus on 116th Street and walking across the street. With the additional traffic and a median, this is a very dangerous situation.

Dean Herrill, The Maples, stated there are school buses that stop on 116th Street and children cross the street to come into The Maples. A left turn is absurd—you can’t get in and out now! A fence will not work—it needs to be a wall. Fence insinuates thin, a wall insinuates that you cannot see through it or get fumes through it. A cement block fence may be as inexpensive as a

wooden fence. We need a wall rather than a fence, and a wall tall enough that fumes will not come over.

Jerry Chomanczuk asked for the petitioner's response to public comments at this time. Also, what is the current status of the tank removal?

Linda Meade stated that The Maples did not know until this afternoon what the offers were, and there was not adequate time to discuss with the neighborhood. Last Thursday, the attorney for The Maples received some information but not all. To date, there has not been an opportunity to discuss offers with The Maples community.

Committee Member Steve Stromquist asked which direction the school bus was headed? The response was that the school bus stops on the south side of 116th Street, and the children cross six lanes of traffic.

Jon Dobosiewicz reported that it is actually three lanes, one lane in each direction plus the center lane. The road will not be widened where the children will be getting off the bus—it will still be three lanes—two through lanes and a center lane.

Jennifer Ingram, resident of The Maples, related an incident whereby she was working in the median and there were two school buses on 116th Street, one headed east, one headed west, stopped to release children. The cars do not stop for the school buses, even though they have their stop signs extended. This is a dangerous situation.

Jon Dobosiewicz advised Ms. Ingram to report the matter to the police. If the police do not hear about it, there will be no enhanced patrols to address the situation.

Steve Hardin addressed the fence issue. The petitioner worked with the City Development Department on the design for a fence and proposed an attractive fence. The Maples HOA is represented by an attorney—he was provided with the revised site plan. The attorney specifically asked that the fence would be double-planked to provide additional buffering and that is what the petitioner specifically agreed to. The fence will be an attractive fence. From a sound-buffer issue, the building itself will provide a substantial sound barrier for the traffic being generated along Keystone and 116th Street.

Brian Chandler addressed the site work. The physical work of the cleanup has been completed, and they (Marathon) will probably monitor the site between now and the time they get a “No Further Action” letter. Marathon still owns the property—Eclipse agreed with Marathon to clean up the property and remediate it properly—this is on-going—compact the soil to a standard that Eclipse will probably ultimately improve, and then come up with a grading plan for the site. It will be properly engineered. At this time, Brian Chandler could not say whether or not the current grade of the site is the ultimate grade—but there will be a grading plan that will be worked on with the City Engineer.

Drew Warner went into a little more detail. The site has two tiers, the northern portion that is predominately lawn area is higher than the southern half of the site where the gas station

development is located—it is actually depressed slightly. The grading plan evens it out so that it may be slightly higher in the front where the site is currently lower, and it will be a little lower at the back where it is currently higher. Going from the site to the east and north, onto The Maples property, it is a few feet lower as it sits currently. The goal and current plan matches the existing grade at the property line. There should be no effects from the development site. Proper drainage facilities as well as grading will ultimately have to be approved by the City and there should be no adverse effects from what Eclipse is doing.

Jerry Chomanczuk referred to discussions with the Maples' counsel. Evidently there is other news in the pipeline that has not yet been disseminated. At this time, is it possible to share the written commitments with the Committee?

Steve Hardin responded that the initial commitments regarding the hours of operation and the fence have been provided to the Department. The commitments will be supplemented and provided to the Department prior to returning to the full Commission. Specifically, the petitioner would add to the existing commitments that the HOA would be one of the entities enabled to enforce the written commitments and language will be added to the fence commitment that it will be double-sided, a double planked fence. Those written commitments will be provided to the Department and to the HOA attorney for review prior to returning to the full Commission.

Jerry Chomanczuk said that the proposed plan is better than the existing—the addition of two lanes is a plus, but existing in the last two and one-years has been a situation of no occupant at this site. Jerry Chomanczuk asked the City Engineer to submit a written recommendation prior to the full Commission meeting.

Mike McBride, City Engineer, agreed to submit a written recommendation as long as he had an occasion to meet with the petitioner and discuss the details of the traffic volumes that were faxed to him this week.

Jon Dobosiewicz noted there is still the issue of the raised median.

Mike McBride stated that the City will eventually be widening 116th Street, but for the short term, it is finished and not scheduled for any construction. There is no funding in place for widening or construction of road improvements. The problem at the intersection is an immediate worry. This is an opportunity for the City to take advantage of what the petitioner is willing to do. Any roadway improvements on Keystone would be up to the State to tie into the City system.

Unidentified member of the audience wanted to know who would be sued when fatalities start happening at this location. Regarding the fence, it is currently on a buffer on The Maples property that is a lot higher than the subject site—would like to make certain that the fence or wall will be the same height as currently exists.

John Molitor, legal counsel responded that he was not about to say the City would be liable. If there were an accident there, survivors or families of victims could bring about a lawsuit, as with most accidents.

Jon Dobosiewicz, DOCS commented that a lot of the noise issue is perhaps the ambient noise from Keystone Avenue, and the positioning of the building should serve as a buffer from the noise into the neighborhood. The issue of fumes with regard to the proposed use versus the current use—the Board should take that into consideration. A brick wall is a preference and not an issue related to whether or not there will be fumes from cars on the site. The petitioner had agreed to remove the existing fence when the new one is constructed as well as placing trees on the adjacent property site. If the petitioner would like to work with the adjoining owners to place the fence in the same location as the existing, if it is an issue of height, the Department would not have opposition to that—if the concern is how high or how low the fence is. If all parties can agree to the terms of the fence, The Department would be glad to have it located where the existing fence is. Double-lap means it is solid—not shadow box—it is board-on-board on two sides of the structure.

Wayne Haney commented that carbon monoxide is heavier than air and stays close to the ground. The fumes would be low level.

Wanda Strange, resident of The Maples, asked if the fence would go all the way to the ground.

Steve Hardin said it is the intent of the petitioner to determine the existing fence height between now and the full Commission meeting, since this is an issue that was raised before the meeting. The fence is proposed from grade level. Mr. Hardin said the fence would meet the height, whether mounding would be required or the fence would need to be taller to meet that requirement. The height of the fence will be a part of the commitments.

Steve Stromquist made formal motion to forward Docket No. 04060033 DP/ADLS, 116th/Keystone Retail Shops to the full Plan Commission with a positive recommendation, conditioned upon the City Engineer providing a report with a positive recommendation, and written commitments from the petitioner that also include the petitioner's capability to audit those commitments, seconded by Wayne Haney. The vote was 2 in favor one opposed (Chomanczuk) **NO VOTE**.

Clarification: Any definitive action by the Committee requires a three-vote majority.

Steve Stromquist then made formal motion to **forward Docket No. 04060033 DP/ADLS, 116th/Keystone Retail Shops to the full Plan Commission with a No Recommendation Vote**, along with the City Engineer traffic report and written commitments from the petitioner to The Maples HOA, seconded by Wayne Haney, Approved 3-0.

Clarification: Docket No. 04060033 DP/ADLS, 116th/Keystone Retail Shops will be sent to the full Plan Commission at its November 16, 2004 meeting with a No Recommendation Vote.

**2. Docket Nos. 04030047 DP/ADLS and 04030048 Z:
North Augusta, Sec 1, lots 10pt-11 and Sec 2, Lot 39:**

My Three Sons Ventures, LLC

The applicant proposes a retail building development and rezoning lot 39 from S-1/Residence to Business. The site is located southeast of 97th Street & Michigan Rd. The site is zoned B-2/Business and S-1/Residence within the US 421 Overlay Zone. Filed by Chris McComas of Advocati, LLC.

Chris McComas of Advocati, LLC appeared before the Committee representing the applicant. Dr. Lande was in attendance as well as Paul Lande. The negotiations with the property owner to the east are on-going; however, the Landes have decided to move forward with the proposed development. If the Landes are ultimately able to acquire the adjacent real estate, the applicant will return to the Commission with a revised ADLS for that parcel.

Currently, there are four existing buildings on the site and an aerial photograph of the site was displayed. One of the existing buildings will be re-skinned; the other buildings will be razed and a new facility constructed. The new buildings will be two-story, retail on the first floor, office space on the second floor. The owners of the property operate two businesses on this site and those would be maintained—one is an auto repair shop, the other is Dr. Lande's dental practice. Both businesses would be permitted in the B-2 zone.

There was concern expressed with a particular tenant. At this time, the building is not tenanted and the exact use is not known. It could be several tenants on the first floor as opposed to one large tenant and the auto repair shop. A bank is a possibility for the north end of the existing building. The florist will probably remain as a tenant and the buildings will be renovated around that business.

Department Report, Jon Dobosiewicz. This item was tabled last month. Currently, there are five structures on the property. The building to the east is an existing, single family residence; at the far northwest corner is the Dentist office. The building that faces 97th Street is a storage building; the building behind that is the building with retail and the auto repair shop—the longer building.

The idea is to give the Committee a look at the existing uses and what format.

Jon Dobosiewicz commented that the proposed buildings and elevations are a significant improvement to the site and they very closely meet the intent of the 421 Overlay language. The proposal does not meet every section of the code, but it is a redevelopment of a site—we are not dealing with a green field, we are dealing with trying to “marry up” existing with what is required in the Overlay. The County Highway Department had comments at TAC regarding access to this site. The petitioner has met with County Highway in addressing issues regarding access onto 97th Street and its proximity to the intersection as well as the existing and proposed cut. Along US 421, there is an existing driveway that enters the site—this is proposed to be re-located farther north away from the intersection. Along Michigan Road, there is a raised median that goes ends at the hotel and traffic can cross-over; however, you cannot exit and go south on Michigan Road.

The plan does reflect the incorporation of the existing S-1 initial lots.

Jerry Chomanczuk requested that the traffic report be made a part of the record. Here followed Committee discussion, comments, and consensus.

The orientation of the building will facilitate leaving the Dental practice and auto repair shop in operation; the houses will be torn down, the new building built, then move the tenants in and tear down the other buildings. Chris McComas reported that one building is a major re-skin! The brick on the buildings will match and it will look like it was all built at one time. The roof shingles are gray asphalt. Regarding access, the site is difficult. However, the petitioner has worked with the County and the curb cut is positioned with their preference and consent to allow for internal flow of the traffic. There has been discussion regarding cutting the median back at 97th Street so that motorists could access 97th Street from either direction without having to go back through the neighborhood. The petitioner has submitted permits to the State to remove the curb at 97th Street—the State has already said they will turn it down, but the appeal process will be gone through.

The petitioner has done a traffic report; Jerry Chomanczuk asked that the traffic report be made a part of the file.

The last major concern is the buffer/fence between the North Augusta neighborhood and the proposed development. The fence is box and batten, and aesthetically pleasing on both sides—the neighbor's view is of a nice fence too; landscaping will be at the fence on petitioner's side, in a planting bed with flowering trees.

Public comment:

Amber Carson-Crane, 97th Street, North Augusta, stated that the proposed development is “a thousand times better than the existing facility. There was a question regarding one of the tenants, deemed most undesirable. Are there evergreens in the buffer along 97th Street, or are they deciduous trees? Also, what will the development look like from the neighboring homes—what will the backside of the development look like? Again, traffic is a major concern as far as flowing through the residential neighborhood.

Mr. McComas said the back of the development has the bay garage doors, but what the neighbors would see at an angle from the fence is the front portion. As required by the Urban Forester, both evergreens and deciduous trees will be planted. Additional buffering is preferred. This plan does include drive through lanes that load at the back and put traffic out to the front. Again, a bank is preferred as a tenant, not a fast food restaurant.

Steve Stromquist made formal motion to return **Docket Nos. 04030047 DP/ADLS and 04030048 Z, North Augusta, Section 1, lots 10pt-11 and Section 2, Lot 39, My Three Sons Ventures, LLC** to the full Commission (with modifications as presented) with a favorable recommendation, seconded by Wayne Haney, Approved 3-0.

**3. Docket No. 04080042 DP Amend/ADLS:
Kentucky Fried Chicken/Long John Silver's**

The applicant proposed to construct a fast food restaurant building. The site is located at 1331 South Range Line Road. The site is zoned B-8/Busienss.

Filed by Ryan Oyster of the GPD Group.

Ryan Oyster, GPD architecture group for Young Brands appeared before the Committee representing the applicant. The proposal is for a multi-brand restaurant. New elevations were presented. The building allows for 35 parking spaces with a drive-through stack of 3 to 5.

Department Comments, Jon Dobosiewicz. There is only one final consideration—the ground sign. The Department is suggesting that signage for each individual restaurant would be positioned so that there is an equal amount of room between the side columns and the center columns on the ground sign. One other suggestion is that the signage size would be 3X6. A permitted wall sign along the frontage could be 30 square feet. The Department would suggest that the Committee recommend approval conditioned upon the blade sign being 3X6 as opposed to 2 ½ X5. This is really at the petitioner's discretion.

The roof top units include exhaust fans, grease fans, etc.—all on the rooftop. The facility has a 60-seat capacity inside. The preview board and the menu board are at the back of the building. The menu board size will require a variance from the BZA and the Department would support that request.

Jerry Chomanczuk suggested outdoor seating in the warmer months. The proposed facility is a good look and welcome to Range Line Road. The height of the building is 9-10 feet—the upper portion of the building is to give the appearance of a two-story.

Wayne Haney made formal motion to forward **Docket No. 04080042 DP Amend/ADLS, Kentucky Fried Chicken/Long John Silver's** to the full Commission with a favorable recommendation, seconded by Steve Stromquist, Approved 3-0.

4. Docket No. 04080060 DP/ADLS, 116th Street Centre

The applicant proposed to construct two mixed-use office/retail buildings. The site is located at the northwest corner of 116th Street and Guilford Road. The site is zoned B-2.

Filed by Joe Calderon of Ice Miller for Equicor Development, Inc.

Joe Calderon of Ice Miller appeared before the Committee representing Equicor Development. Don Gwinn, Engineer; Craig McCormick, Architects Forum; Steve McVicker, sign contractor; Mark Zuckerman, and Greg Small were also in attendance.

Joe Calderon responded to comments in the Department Report. The dedication of right-of-way has been done by Deed from Don Dunkerly, recorded last year.

Jon Dobosiewicz said the dedication should be pursuant to the Thoroughfare Plan—a 70 foot one-half right-of-way along 116th Street and a 45 foot one-half on Guilford.

Mr. Calderon referred to the second issue—the request for consistency with the sign program and colors. Largely, this project will be office use. The petitioner does feel that there may be instances where there is either national-type tenants—office or retail—and particularly on the

retail side, where client colors or logo or some other trademark might come into play and would require additional colors (more than 2) or lose the tenant. One example might be Starbucks—the logo is green, black and white.

Jon Dobosiewicz responded that a logo is limited to 25%, but an individual tenant could always return to the Plan Commission as an amendment for Committee review only.

Mr. Calderon highlighted the third request that refers to signs. The sign is non-illuminated, oriented towards the interior of the project.

Steve McVicker explained the signage in detail. The signs are visible from the parking/courtyard area. The sign itself is a solid material that can be put on a router, some of the background can be cut away so that the letters are raised on it as well as mortar—this allows for greater detail.

The dumpster on the northwest corner will match the brick of the building. The petitioner agreed to make the doors a little taller and a little shorter for maximum coverage. The dumpster enclosure will have a limestone cap. The opaque metal screen doors would be matched to either the dark green color or the color of the metal canopy.

Joe Calderon stated that Access Easements would be provided to the north and the west. The petitioner is not against connectivity; however the parcel adjoining to the west is the same as the north—the parcel wraps. It does make sense, given the positioning of the parcel, to have potential connectivity to the west—undeveloped property. For the petitioner to provide and grant access to the adjoiner and anyone else wanting to drive through the development, there would be mutually acceptable arrangements as far as cost-sharing for maintenance and driveways with reciprocal easement agreement. There is no benefit seen in providing additional access to the north, since there is not much width coming off Guilford. Jon Dobosiewicz concurred.

The lighting along the right-of-way on 116th Street is not yet known. The acorn lighting used by the City is somewhat cost prohibitive. Jon Dobosiewicz commented that what is presented is perfectly acceptable.

Regarding the landscaping, Joe Calderon reported that Jeff Butz, landscape architect submitted the plans to Scott Brewer, Urban Forester. At this time, the landscape architect is awaiting final comments.

Joe Calderon reported that the petitioner met with the Woodpark residents and received their comments. As yet, no formal response has been submitted to their request, but a response is promised for Monday—the first of next week.

Bob Bishop, president of Woodpark HOA, reported no concerns with this project other than one major issue. There are three residents that face 116th Street on the southwest corner and because of line-of-sight, they will be looking into the building proposed and also looking at traffic on 116th Street—those particular homes are elevated slightly. The brick wall along 116th measures

43 inches from ground to the cap except for the corner where the intersection moves from 116th into Guilford Road south, then the Subdivision Sign, lighted, and 6 feet tall, although it is a short section. The brick wall is aesthetic, but no practical use. The proposed development greatly diminishes their privacy and reduces the value of the homes. What has been discussed is a wall, 7 to 8 feet tall—it would be a sound as well as a sight barrier; the residents would prefer not having a vegetation barrier.

Pat (last name?) Woodpark Resident, appreciates the traffic light at 116th and Guilford and echoed Bob Bishop's comments. Issues are noise, traffic headlights, safety, privacy and home values.

Joe Calderon agreed to look at the wall, although has reservations as to ability of the petitioner to extend height of wall. The wall is masonry and it would be potentially difficult to remove the caps, redesign and extend the wall. The petitioner will propose additional buffering on their property to help mitigate their concerns. Some of the concerns probably are not attributable to this development. The petitioner will do his fair share. The office use will not be bright and loud noise and heavy use. There is some flexibility for retail use, but the parking lot behind the building will not cast a lot of light on the Woodpark neighborhood.

Jon Dobosiewicz commented about the wall. The wall is the homeowners association improvement. It is the desire of the HOA to protect property values within the neighborhood, and perhaps the HOA would step forward and match in some assistance in creating a more appropriate screen today for those residents who live along 116th Street. There should be a reasonable decision made regarding the wall prior to the full Commission meeting.

In response to questions from Jerry Chomanczuk, Mr. Calderon said the window treatment is clear glass specified, not usually tinted. Currently, the petitioner is anticipating clear, insulated glass—no signs—no decals, etc. on the glass.

Steve Stromquist made formal motion to **forward Docket No. 04080060 DP/ADLS, 116th Street Centre** to the full Commission with a positive recommendation, conditioned upon modifications made tonight by the Committee, seconded by Wayne Haney and approved 3-0.

5. Docket No. 04010021 ADLS Amend, Woodfield Subdivision (ADLS Amendment)

The applicant seeks approval for the removal and replacement of entry monuments (signs) and landscaping

The site is located at Gray Road and 146th Street. The site is zoned S-1/Residential.

Filed by Robert Christianson.

Bob Christianson, 5133 Woodfield Drive, resident of Woodfield Subdivision appeared before the Committee representing the Woodfield HOA. Approval is being requested to remove and replace entry monument signs and the landscaping. The entry monuments are quite old and decayed and the walls are crumbling. The original entry and monument is Woodfield Drive, north on Gray Road, approximately 142nd and Woodfield Way entering from the north, about one-quarter mile in from Gray Road on 146th Street. Both locations have walls existing with signage.

The intent is to demolish the walls. The berm on 146th Street is essentially a sound barrier. The walls are being replaced in natural stone with concrete cast caps and water table line; 48-inch square, tapering slightly to a 40 or 38 inch column with a two-foot cap on top.

There are easements in place where the walls and signage are located. The landscape design was created by Salsbury Brothers and it is hoped that grading can be done this fall for the signs and landscaping done in the spring.

Department Comments, Jon Dobosiewicz. The Department is happy with the design.

Jerry Chomanczuk was concerned about the height. Mr. Christianson responded that the pillars on either side are approximately 7 ¼ feet—the top of the light fixture on either end of the wall is approximately 6 feet tall---no landscaping room at all, since it is about 12 inches behind the existing sidewalk.

Steve Stromquist made formal motion to approve **Docket No. 04010021 ADLS Amend, Woodfield Subdivision (ADLS Amendment)**, subject to the lights being shielded to reduce glare, seconded by Wayne Haney, **APPROVED 3-0**.

6. Docket No. 040100022 ADLS Amend, Goddard School (ADLS Amendment)

The applicant seeks approval for a new lighting plan. The site is located at 10445 Commerce Drive. The site is zoned B-5/Business.

Filed by Jim Peck of Civil Designs, LLC

Jim Peck appeared before the Committee representing the applicant. A new lighting plan is being requested for the Goddard School at 10445 Commerce Drive. At this time of year when children are being dropped off at school in the morning and evening, it is really dark. The petitioner is requesting poll lights in the parking lot, controlled by timers, so they are not lighted all the time.

Department Comments, Jon Dobosiewicz. Jon suggested that the timers on the two poles to the east and the one that is solidly between the building and residential, might create a visibility issue. Actually, timers on all three would be the best.

Mr. Peck agreed to install timers on all three pole lights, set to operate 5:30 AM to 8:00 PM. Originally, there were wall packs on the sides of the building; however, there are 3 or 4 can lights at the entry, none on the sides of the building.

Steve Stromquist made a formal motion to approved **Docket No. 04010022 ADLS Amend, Goddard School (ADLS Amendment)**, seconded by Wayne Haney, **APPROVED 3-0**.

7. Docket No. 040100027 ADLS Amend, Parkwood East – Smith Barney

The applicant seeks approval for a new wall sign. The site is located at 800 East 96th Street. The site is zoned PUD.

Filed by Blair Carmosino of Duke Realty Limited Partnership

Steve Granner appeared before the Committee representing the applicant. The applicant is seeking approval for a wall sign on the new, single Parkwood Eight building, east of College. There are two signs on an existing building that faces the interstate—one is Katz Sapper on the east end of the north façade and Pearson’s on the west façade. As part of the rezone for the PUD, there are up to 6 signs permitted, “lower level,” 60 square feet each on the west, south, and east facades. Before the Committee this evening is one of those “lower level” signs. There is also a variance on file for a lower level sign being 26 feet maximum height. The applicant is requesting approval to install the sign between the second and third floors.

Department Comments, Jon Dobosiewicz. The Department is requesting that the sign would be a day/night-plex—black during the day and illuminated white at night—identical to the other two signs already installed on this building. The Department recommends approval, subject to the modified design. This item also requires BZA approval.

Steve Stromquist moved for approval of **Docket No. 040100027 ADLS Amend, Parkwood East – Smith Barney**, subject to the design as modified this evening, seconded by Wayne Haney, **APPROVED 3-0**.

ADD-ON ITEM:

Kool Planet Awning Co. (Docket No. 040100024 DP/ADLS Amend)

Matt Darby, Kool Planet Awning Co. appeared before the Committee on behalf of Frame Makers, 506 South Range Line Road. The proposal is for a new sign and awning, a purple fabric base for the sign with light, crème color letters.

The awning is a basic, shed-style awning, four feet in height, two-foot projection, and an 8-inch ridge of balance. The letters are crème color (Frame Makers, and Art Framing).

Department Comment, Jon Dobosiewicz. Jon suggested the awning run across the entire building.

Mr. Darby said they were trying not to draw attention to the off-set area and allow the awning to make the building look more centered. The awning will face Range Line Road.

Steve Stromquist moved for approval of **Docket NO. 040100024 DP/ADLS Amend for Kool Planet Awning Company**, seconded by Wayne Haney, **APPROVED 3-0**.

There being no further business to come before the Committee, the meeting was adjourned at 10:05 PM.

Jerry Chomanczuk, Chairperson

Ramona Hancock, Secretary